

March 4th, 2022

Stanley & Evelyn Keiser
887 County Road 5
Ashland, NE 68003

RECEIVED

MAR - 7 2022

NE Dept Of Environment and Energy
By: _____ DEE#182 _____

Mr. Jim Macy, Director
Mr. Steven Goans, Deputy Director
Mr. Thomas Buell, Division Supervisor
Nebraska Department of Environment & Energy (NDEE)
245 Fallbrook Blvd.
PO Box 98922
Lincoln, Nebraska 68509-8922

Director Macy & Colleagues,

As you are aware, we have a four-acre private fishing pond located three miles northeast of Memphis, Nebraska along a tributary of Clear Creek, which flows to Salt Creek east of Ashland. Our pond, Keiser Pond, had been used on a regular basis for recreation by the family and was stocked with a healthy fishery by the Nebraska Game and Parks in 2007. (In 2016 we had a complete fish kill. AltEn started up in 2015 and has confirmed that they used seed treated with pesticides in their ethanol plant from the beginning.)

On February 11th, 2021, a frozen pipe containing wastewater from the AltEn ethanol plant near Mead burst, causing waste to exit the property to the southeast. The waste, known as thin stillage, contained cattle manure and pesticides originating from treated seed used at the plant to produce ethanol.

Attempts to contain and treat polluted surface water from the plant were underway by the Nebraska Department of Energy and Environment (NDEE). However, after that operation ceased, a rainfall event transported pollutants from the AltEn facility, through the University grounds. Efforts were made to halt the flow to continue further by placing a plug into the culvert which would prevent it from continuing across hwy 66 and on down to our pond. I received a phone call from Tom Buell stating that they must pull the plug in the culvert per request from the Nebraska Dept of Roads, as they feared water would back up and cause flooding on the hwy, as expected heavy rains were to come. I asked Tom to please reconsider as then it would head to our place, but I had no place in that decision. Come to find out, on March 12, 2021, Scott Tinglehoff had emailed a request to Tom Buell to pull the plug as "AltEn had it all cleaned up." We can't find the request on your public portal that Tom said that the NDOT had made the call to pull the plug, we could only see that the request to pull the plug came directly from Scott Tinglehoff. According to your records, not two hours later, the plug was pulled. The rains came, 2.75" of rain! Consequently, it breached again at the AltEn's levies. Stormwater/contamination flushed through the University and on down to our pond! Thankfully, in late February, you sent Dave Bubb out to our place to take samples of our pond (through the ice) prior to this heavy rainfall event to obtain a baseline (this request came from our son-in-law, Doug Whitehead, on behalf of the Keiser family). Mr. Bubb confirmed that pesticides



were detected in our pond prior to the breach. In fact, contamination was confirmed by the NDEE sampling on multiple occasions. Our pond was completely void of any oxygen. Excessive Biological Oxygen Demand (BOD) stemming from organic decomposition in the pond created severe oxygen depletion, resulting in a complete fish kill. NDEE has completed surface water sampling and as of December 2021, the pond remained void of oxygen. Subsequent testing of the pond water, pond sediment and unfortunately our private drinking water well have proven to contain evidence of pesticide contamination. The pond continues to be depleted of oxygen and continues to be a non-viable habitat for recreation and fishing.

While many folks will continue to investigate just how this calamity came about, it will not change the fact that our lives have been irrevocably impacted, including the generations after us. We only request remediation of our lives and specifically our property.

As you can see from this picture the joy that was once had at our pond. This only represents the recreational side of the impact. Our concern over the lasting impact to our drinking water source lingers with every day that no action is taken. I can't express enough just how proud our family is of our century farm. It was established in 1911 by my great grandfather. I am the 4th generation to work this farm and am passing it on to our daughter and her family to continue to farm. We have been very fortunate to keep our farm functioning and have made multiple improvements. We were awarded the Century Family Farm award by the



Aksarben Foundation. We pride ourselves for having more than a century of hard work, sweat, tears, and determination to continue our family's legacy and intend to keep it going for our family's next generation and beyond. We have been great stewards of the land and do what is needed to provide a healthy environment for our family, our livestock, our pets, and the environment around us. It is only right and just to have those same expectations of our neighbors, including businesses such as AltEn. They completely failed to hold up their duty to protect the environment around them.

Currently our pond remains full of contaminated water and unfortunately the sediment as a result of the spill. We have been in contact with the NDEE staff as they have tried to identify the impacts and make best efforts to remedy this situation as well as all of the impacts of the AltEn fiasco.

Our immediate attempts to contact the seed companies were refuted (June 2021). We appreciate the NDEE taking our losses seriously and including them as a requirement of the Voluntary Cleanup Program process. Our only hope is that the AltEn Facility Working Group takes your guidance and fulfills its obligation to see this cleanup effort through.

We plead with you and your team to work diligently to see that our lives and livelihood are restored. Our ask is that a study is performed to determine the best path to remediate the pond. This would include removing the contaminants, that to this day remain in the water, as well as the sediment. The hope would be that the pond water is removed and treated as part of the AltEn site cleanup. This would mean we would like the water hauled off of our property and taken back to the AltEn facility to be run through their filtration system. The sediment will need to be removed, hauled off of our property and appropriately be disposed of as well. Our pond will require a new liner (seal), as the

removal of the sediment will impact the integrity of the pond and our well water, of which is only 40' deep and sits approximately 100 yards from the pond.

Restoration of the habitat (fish) and continued water quality to ensure that the pond is sustainable for future generations is also a must.

We also would like to see that an installation of an entrapment structure, also known as a retention feature or buffer strips, be implemented upstream from our pond. This would help in controlling the entrance of nutrients, contamination, and sediment along with being helpful to monitor the water quality.

Our private drinking well will need to be continually monitored to determine if the contaminants will adversely impact our water quality and any required action to ensure a safe source. We personally feel the need for a filtration system for our home and for our livestock waters. It would require a filtration system on our well controls in our main shop, which feed the house/shop/livestock waters.

In previous correspondence with Mr. Goans (email 7/6/21), a draft proposal from JEO Consulting Group was presented that outlined a pond restoration process that we requested as a guide to the process required to remediate the pond. We ask that you, along with the AltEn Facility Response Group, consider engaging these local experts that we trust to assist with this project. We do acknowledge that this is a long road to arrive at an acceptable outcome, and clearly there is a priority hierarchy, however the cleanup off-site (AltEn) could and should be treated separately as it is an attainable goal in the near future.

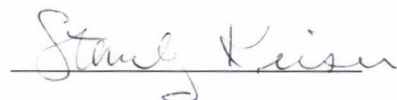
We ask that the remediation process be considered as soon as possible for our property. We would like to be able to see it in the condition that we worked so diligently to make it environmentally and recreationally friendly, to feel confident in knowing that it will be remediated for our daughter's family and the next generations, and enjoy fishing with our family before our time on earth is done.

Please pass this letter, with your recommendations, to the appropriate parties that hopefully will not only include our pond in the remediation but consider the remediation process as soon as possible for our property.

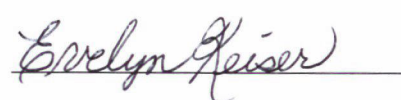
Thank you.

Sincerely,

Stanley Keiser

A handwritten signature in cursive script, reading "Stanley Keiser", written over a horizontal line.

Evelyn Keiser

A handwritten signature in cursive script, reading "Evelyn Keiser", written over a horizontal line.